

August 24, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, August 24, 2005, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
RHONDA G. HENDERSON, Director of Planning  
JENNIFER M. HOOVER, Director of Public Works  
DIANA C. STULTZ, Zoning Administrator  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Cuevas called the meeting to order at 6:00 p.m.

Administrator Paxton led the Pledge of Allegiance and Supervisor Ahrend gave the Invocation after asking for a moment of silence for the family of Jerry Bauserman, Deputy Chief, Fire & Rescue, who died on Saturday, August 20, 2005.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on August 10, 2005.

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**CERTIFICATE OF ACHIEVEMENT FOR FINANCIAL REPORTING.**

James Allmendinger, Finance Director, presented to Angela Hernandez, Accountant, a Certificate of Achievement for Financial Reporting, from the Virginia Government Finance Officers Association. Mr. Paxton noted that the County received this award for the 23<sup>rd</sup> consecutive year.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Kyger reported a road sign down in his district.

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**REGIONAL POLICE HELICOPTER SERVICE.**

The Board received a copy of a letter from Mr. Ed Bright, President of the local Fraternal Order of Police in Augusta County, requesting support for establishment of a regional police helicopter service. No action was taken.

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**RESOLUTION NO. 05-24 - HARRISONBURG ROCKINGHAM REGIONAL SEWER AUTHORITY EXTENSION.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-24, requesting that the existence of the Harrisonburg Rockingham Regional Sewer Authority be extended for a period of 50 years.

RESOLUTION NO. 05-24 OF ROCKINGHAM COUNTY, VIRGINIA  
EXTENDING EXISTENCE OF HARRISONBURG-ROCKINGHAM  
REGIONAL SEWER AUTHORITY

WHEREAS, the County of Rockingham, Virginia, is one of five members of the Harrisonburg-Rockingham Regional Sewer Authority (the "Authority"); and,

WHEREAS, the Articles of Incorporation of the Authority dated July 2, 1970, were signed by the County on July 15, 1970, and were issued by the State Corporation Commission of Virginia on the same date; and,

WHEREAS, Virginia law (§ 15.2-5114, Code of Virginia, 1950, as amended) provides that an Authority may exist only for a term of 50 years, provided that its existence may be extended for further periods as provided by resolutions of the members of the Authority, provided further that the term may not be extended for more than 50 years from the date of the new resolution; and,

WHEREAS, the County of Rockingham deems it prudent to extend the existence of the Authority for an additional period of 50 years;

NOW, THEREFORE, BE IT RESOLVED that the existence of the Harrisonburg-Rockingham Regional Sewer Authority be extended for a period of 50 years. Similar resolutions must be adopted by the other four members of the Authority; and this Resolution shall become effective on the date on which the last of such members act, which shall be the date for commencement of the 50 year period.

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**FEDERAL LEGISLATION REGARDING FUNDING OF FEDERAL LANDS.**

Mr. Paxton advised Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act of 2000, restored forest reserve payments to forest counties to support rural schools and roads. He pointed out that last year Rockingham County received this funding in the amount of \$197,052. He reported that PL 106-393, a six-year bill, will "sunset" (expire) in September 2006, and that HR 517 and S 267 are identical bills seeking to re-authorize the current law.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board asked Mr. Paxton to send a letter to Congressman Robert W. Goodlatte, urging him to sign on as a co-sponsor of these bills.

**COOPERATIVE EXTENSION SERVICE.**

Chairman Cuevas noted that an Open House and Ribbon Cutting Ceremony will be held for the opening of the new offices of the Cooperative Extension Service, and the Board asked Mr. King to attend as the County's representative.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated August 18, 2005, including information regarding a meeting scheduled with Frederick County for August 31 at 3:00 p.m., a meeting scheduled with the City Liaison Committee for August 26 at 8:00 a.m., economic development, long range constrained plan approved by the MPO Board, and the Lakewood sewer project.

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**COUNTY ATTORNEY'S STAFF REPORT.**

Mr. Brown did not have a written report.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved transfer of title for two parcels of land from the Smith Creek Water and Waste Authority to the Board of Supervisors, and authorized the County Administrator to execute all necessary documents.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-25.

**RESOLUTION NO. 05-25**

WHEREAS, on April 29, 2004, the Board of Supervisors of Rockingham County, Virginia and the Rockingham County School Board executed a Note Purchase and Escrow Agreement in the amount of \$8.5 million to partially fund two projects for certain renovations to Rockingham County school properties in anticipation of receiving funds from the Virginia Public School Authority Literary Fund; and

WHEREAS, the Board of Supervisors has been informed by its bond counsel that the two Rockingham County Literary Fund projects (listed as number 29 and number 30 by the Virginia Public School Authority) will most likely receive

funding from the Virginia Public School Authority School Financing Bonds Subsidy Sale in the fall of 2005;

NOW THEREFORE, the Rockingham County Board of Supervisors instructs the County Administrator, County Attorney, and bond counsel to prepare and execute all applications and other documents necessary to secure Literary Fund loans in an aggregate amount not to exceed \$11,000,000 for the above-described Rockingham County Literary Fund projects and to take all other actions necessary to secure such loans.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Hoover's staff report dated August 18, 2005, including information concerning Penn Laird Drive and Water Tower Road sewer (staff has delivered letters regarding easements); Lakewood/Massanetta Springs pump station (restoration work remains); McGaheysville WWTP (staff initiating plant expansion design); Phase III expansion of the landfill; Grassy Creek Tank (contractor making good progress), Three Springs Water System Analysis; Countryside (reseeding and paving remaining); Lilly Gardens (planning grant request being prepared).

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the County Administrator to send a letter to the State Department of Environmental Quality (DEQ) in support of a proposed increase in allocation under the Enhanced Nutrient Removal (ENR) legislation for the Harrisonburg Rockingham Regional Sewer Authority (HRRSA), noting that such an increase is important to the long range economic viability of the area; that the HRRSA is proceeding with engineering for the project with scheduled completion of the facility components necessary to expand and meet the Bay regulation requirements by June 2010; that Rockingham County has a plan in place (sewer rate structuring) for servicing its share of the debt for the project; that the Board passed a 20 percent sewer rate increase to take effect September 1, 2005, to cover costs of the ENR project with an expected operational date of 2010 for the expanded facility; and that the County intends to play an important part in the cleanup of the Bay, while continuing to provide a strong economic area of growth.

In regard to Supervisor Kyger's suggestion at the last meeting that spring Cleanup Week be expanded, as recommended by the Public Works Committee, the Board unanimously agreed to change the construction material/tire amnesty time from one week in April to a Friday/Saturday in April, July and October at the landfill.

**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated August 24, 2005, including information concerning the draft McGaheysville Area Plan, priority projects, tabled requests, and upcoming requests.

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**COMMITTEE REPORTS.**

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

Approved the following carryover of its unencumbered FY 2004-2005 funds in the amount of \$276,500 as requested by the Massanutten Technical Center. This amount represents the balance of unencumbered funds appropriated to start building a collision repair shop.

Carry Over Appropriation: \$276,500

\$276,500 GL Code: 205-64200-900-3301-000 (Repairs and Maintenance)

Approved the following supplemental appropriation in the amount of \$150,000, as requested by Blue Ridge Community College for the construction of the Humanities Building and a reduction of \$16,677 per year for the next nine years in the College's annual request for support. These funds would be provided from the General Fund Reserve.

Supplemental Appropriation: \$150,000

\$150,000 GL Code: 001-09103-000-5642-000 (Contributions)

\$150,000 GL Code: 001-05201-0100 (General Fund Reserve)

Approved the following supplemental appropriation in the amount of \$1,900 as requested by the Juvenile/Domestic Relations Court for rental of a postage meter. This amount reflects the shortfall between the budgeted and actual cost of the rent. These funds would be provided from the General Fund Reserve.

Supplemental Appropriation: \$1,900

\$1,900 GL Code: 001-02105-000-5401-000 (Lease/Rent Equipment)

\$1,900 GL Code: 001-05201-0100 (General Fund Reserve)

**RECESS.**

At 6:31 p.m., Chairman Cuevas declared the meeting recessed for a Special Meeting of the Board of Directors of the Lilly Subdivision Sanitary District.

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**RECESS.**

At 6:39 p.m., Chairman Cuevas called the meeting back to order and declared it recessed until 7:00 p.m.

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**PUBLIC HEARING - SPECIAL USE PERMIT REQUEST.**

At 7:00 p.m., Chairman Cuevas called the meeting back to order and declared it open for a public hearing on the following special use permit request.

Ms. Stultz reviewed the request and staff's recommended conditions if the request was approved by the Board.

S05-44, request of Rockingham-Harrisonburg Emergency Communications Center, 101 North Main Street, Harrisonburg, for an emergency communications tower on property located on the west side of North Valley Pike (Route 11) approximately 1200 feet north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A2. Tax Map #81-(A)-8.

There were no requests to speak on this matter.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-44, request of Rockingham-Harrisonburg Emergency Communications Center, 101 North Main Street, Harrisonburg, for an emergency communications tower on property located on the west side of North Valley Pike (Route 11) approximately 1200 feet north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A2. Tax Map #81-(A)-8.

1. The use shall be located in accordance with plot plan as approved.

2. Facility shall be constructed in accordance with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. VDOT reserves the right to require future entrance upgrades should conditions warrant.
4. Approval shall not constitute or imply support for or approval of, the location of additional telecommunication towers, antennas, etc., even if they may be a part of the same network or system as any antenna approved under this permit.
5. Should use of this facility be discontinued, applicant shall remove the tower from the property within ninety (90) days from date it is last used. If ownership of the tower changes hands, the owner at the time use is discontinued shall be responsible for its removal.
6. All State and Federal laws shall be met, and all reports required by the FAA or the FCC shall be obtained and presented to the Zoning Administrator.

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Chairman Cuevas announced that the following request was withdrawn:

S05-35, Rockingham-Harrisonburg Emergency Communications Center, 101 North Main Street, Harrisonburg, for an emergency communications tower on property located on the west side of North Valley Pike (Route 11) in the Lacey Spring area in Linville Magisterial District, Election District #2, zoned A2. Tax Map #81-(A)-31A. (This request was tabled on June 8, 2005.)

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**PUBLIC HEARING - REZONING REQUEST.**

At 7:10 p.m., Chairman Cuevas called the meeting back to order and declared it open for a public hearing on the following rezoning request.

RZ05-18 Sunnyside Presbyterian Home 600 L University Blvd. Harrisonburg, 22801, to amend the existing Master Plan by removing several cottages; moving the location of a mail room and café; and adding a dining room, parking areas, and storage units; and to rezone 30.143 acres from A2 (General Agricultural) to R5 (Planned Residential) for 93 units on portions of tax parcels 126 (A) 12 and 126 (A) 12A. Sunnyside is located on the east side of Massanetta Springs Road (Route 687) approximately 0.8 mile south of Spotswood Trail (Route 33) in Election District #3. The Comprehensive Plan designates this area as Community Residential. R-5 allows eight dwelling units per gross acre. Sunnyside plans a density of 4.93 units and nursing beds per gross acre.

Ms. Henderson reviewed the request.



The Planning Commission recommended approval by a unanimous 5-0 vote. The Commission stated the request was consistent with the Comprehensive Plan and concurred with staff's recommendation, which was: "The proposed rezoning and Master Plan amendments are compatible with the Comprehensive Plan, the existing Sunnyside retirement community, and the surrounding uses."

Dick Blackwell, engineer for the proposal, explained that Sunnyside wished to expand its independent living facilities.

There was no opposition expressed.

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At 7:15, Chairman Cuevas declared the public hearing closed and called the regular meeting back to order.

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Noting that the Sunnyside request was consistent with the Comprehensive Plan, that it was recommended by the Planning Commission and the Staff, and that it was a "community asset," on motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved RZ05-18 Sunnyside Presbyterian Home, 600 L University Blvd., Harrisonburg, 22801, to amend the existing Master Plan by removing several cottages; moving the location of a mail room and café; and adding a dining room, parking areas, and storage units; and to rezone 30.143 acres from A2 (General Agricultural) to R5 (Planned Residential) for 93 units on portions of tax parcels 126 (A) 12 and 126 (A) 12A. (A copy of the map for the Master Plan is attached to and made a part of this minute book.)

Sunnyside Retirement Community  
Revised Master Plan  
June 2005

Sunnyside Retirement Community is a complete care retirement community with independent living cottages and apartments for active retirees, assisted living rooms and suites for those requiring some care and well staffed health care facility. Although occasionally residents start in the nursing facility, the large majority of all residents begin their experience at Sunnyside by living in apartments or cottages. They maintain their active, independent lifestyles enjoying the activities and facilities provided at Sunnyside. As they age and if additional services are needed, they are guaranteed space in the assisted living or health care facilities. Sunnyside has staff of approximately 320 persons.

Sunnyside's mission is to add life to years by providing a wide range of retirement and health services to older adults in the historic Synod of the Virginias and contiguous service areas designed to meet their physical, spiritual, social, and psychological and security needs in a Christian environment. Although it is under the oversight of the

Presbyterian Church, it is open to all and also provides assistance to residents who cannot pay the full cost for services.

Sunnyside presently consists of nearly 60 well-landscaped acres of land. A main, three story complex, presently under renovation, will house a 75-bed assisted living section, an 84-bed intermediate health care center, administrative offices, wellness center, beauty salon, pharmacy, dining facilities, laundry and chapel is located in the northwestern area of the campus. The Highlands, a four story 92-unit apartment building is located in the southeastern section. Between these two large buildings are 50 individual houses or cottages, one manse (home for the resident Chaplin), and three apartment buildings of 3, 6, and 14 units respectively.

In 2003, six villa style apartment buildings with a total of 30 units were added. These villas are spacious, one floor apartments with great views towards the Massanutten Mountain. Each apartment has a garage and an elevator to access the other than ground floor units. Each unit also has a patio or deck on its ground level. These apartments provide a housing style unit that is unique to most retirement communities.

Sunnyside maintains its own roads, and utilities including water main, sanitary sewer lines, storm water culverts and ditches and telephone. Sunnyside does not maintain electric lines and TV-cable. Sunnyside purchases water from Rockingham County for the entire community. Rockingham County and Harrisonburg-Rockingham Regional Sewer Authority provide transmission and treatment of the sewage.

The Sunnyside Community while not containing sidewalks in all areas does promote pedestrian traffic along its internal roads. The speed limit within Sunnyside is 15mph and many of the residents do not have cars, thus reducing the traffic volume. During sunny warm days, many residents and staff safely walk along the roads.

A well-maintained pond is located on the property near the southern entrance along Massanetta Springs Road (Rt. 687). There are no significant geological data or unique natural features on this site other than several scenic views. There are no springs on this property and no flood plain.

Sunnyside in its efforts to provide excellent facilities for the assisted living and healthcare residents, planned and received approval for a Master Plan in 2003, to remodel and add on to the assisted living and health care facility. As of May 2005, the building is still under construction and being modernized, and the assisted living units enlarged. A new chapel and administrative offices have been added to the complex. Road adjustment, additional parking and extension to the water main providing additional fire hydrants are nearly completed. The remodeling and addition to the Health Care building began in the summer of 2003 and is expected to be complete by the end of 2005.

In the 2003 revision to Sunnyside Master Plan, it was proposed that three of the older cottages be torn down and replaced. As of May 2005, one cottage has been replaced. It is expected that the other two will be replaced within the next several years. In addition to the three replacement cottages, four (4) other cottages were planned. As of this date, three (3) have been completed. The remaining approved cottage will not be constructed.

An addition to The Highlands (which was approved in the 2002 master plan), consisting of a café and mail room, was proposed to be added within the next few years, but now has been revised. (see proposed changes)

Also it was proposed in the 2004 Master Plan that six (6) new cottages just off the main entrance be constructed. (One to replace an existing house and five (5) new cottages.) The replacement cottage is presently being constructed; however the five (5) new cottages will not be constructed.

#### Proposed Changes to Master Plan

The location of the café and mail room proposed in the 2002 Master Plan has been revised. The mail room will be handled internally and the café will be constructed on the

rear (eastside) of the Highlands facility. The café will provide casual dining as well as take out service for the independent residents throughout the Sunnyside Community. A private dining room also will be added to the Southside of the Highlands dining facility. These new facilities are expected to be completed by 2008.

It is proposed that approximately 60, generally 8'x10', storage units be added near the main entrance for the convenience of the Sunnyside residents. Most residents move to Sunnyside from larger homes and often have some pieces of furniture that do not fit into their new homes and therefore need to have storage until they can decide what to do with their extra belongings.

A Major change to the May 2005 Sunnyside Master Plan is the addition of the new residential section to be named The Glen. This 28.874 acre parcel to be rezoned R-5 and used to develop new residential community will have two (2) Villa buildings with six (6) units in each. There will be forty-nine (49) cottages, twenty (20) two unit attached dwellings, four (4) townhouses and two buildings with four (4) attached patio homes. A seventy (70) foot hexagon shaped bandstand with bathrooms will be incorporated and used for summer concerts and picnics. Several springs, located on the property, will be enhanced and one will help supply water to a proposed pond. Walking trails around the property will be provided in addition to a small wetlands / nature park. The main 24' wide loop road will also have a 4 1/2 foot wide bike /walking lane. Water will be supplied from the mains within Sunnyside and sewage will gravity flow through Lake View Golf Course to the County's pumping station along Massanetta Springs Drive.

An additional 1.269 acres was added to the area of the Villas constructed in 2003. It is requested in this 2005 rezoning that the A-2 parcel be rezoned to R-5, consistent to the rest of the Sunnyside Community.

Construction is expected to begin in late 2005 with completion in 2006.

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**PUBLIC HEARING - REZONING REQUEST.**

At 7:20 p.m., Chairman Cuevas called the meeting back to order and declared it open for a public hearing on the following rezoning request.

RZ05-14 Rockingham Memorial Hospital, 235 Cantrell Avenue, Harrisonburg, to rezone 254 acres from A2 (General Agricultural) to B1 General Business) on tax parcels 125 (A) 125, 125 (A) 137, and 125 (A) 184. The site is located northeast of the intersection of Port Republic Road (Route 253) and Reservoir Street (Route 710), Election District 3. The Comprehensive Plan designates this area as Community Residential.

Ms. Henderson reviewed the following staff report.

**LOCATION**

This 254-acre site is located east of Port Republic Road (Route 253), south of Reservoir Street (Route 710), and north of Boyers Road (Route 704), in Election District 3.

**PROPOSED USES AND PROFFERS**

The applicant plans to locate a 250-bed hospital with medical office space according to the following proffered development schedule.

Phase	Timeframe	Area (square feet)
Phase I	Late 2009 or Early 2010	900,000
Phase II	2012-2015	345,000
Phase III	2020	750,000

In addition to the hospital and uses that are typically accessory to a hospital, the proffers include a number of other commercial uses. The proffers also include information on water and sewer, firefighting, and accessibility. The proffers are attached.

COMPREHENSIVE PLAN

The 2004 Comprehensive Plan designates this area as Community Residential.

ZONING AND EXISTING LAND USE

The four parcels in this request, zoned A2, are woodlands and farmland.

ADJOINING PROPERTIES AND USES

Direction from Site	Zoning	Existing Land Use
North	A2 R3  PCD	Houses, Medical Offices, Fields, Lawns Townhouses (Twin Gables), Single-Family Dwellings, Two-Unit Attached Dwellings (Greenport, under construction), Grassy Area Professional Offices (Greenport, not yet constructed)
East	A2 R3	House, Field, Woods, Orchard Trees Houses
South	A2 R3	Houses, Mt. Pleasant Church Houses, Townhouses (Taylor Spring)
West	A2	Houses, Pastures

UTILITIES

The Department of Public Works states that the applicant will need to obtain water service by running a 16" water line to the property. The line would need to tie in at Shen Lake Drive and extend northward along Port Republic Road to Reservoir Street, loop around the property boundary and tie back into the waterline along Boyers Road near Taylor Springs Lane. Pressure relief valves would need to be installed on Port Republic Road and Boyers Road to compensate for pressure differences.

Sewer is available in the area. However, capacity of the existing lines would need to be evaluated including connections with the City of Harrisonburg.

SOILS AND FLOODPLAIN

The land is nearly level to strongly sloping, with well drained, slow to moderately permeable soils and a low to high shrink-swell potential.

According to FEMA, this site is not in a 100-year floodplain.

ROADS/ROAD ACCESS

Traffic Counts			
Road	Year of Traffic Count	Traffic Count	Estimated Maximum Tolerable Capacity
Port Republic Road (Rt. 253)	2003	12,000	7,500
Reservoir Street (Rt. 710)	2003	6,100	7,500
Boyers Road (Rt. 704)	2003	3,600	
Stone Spring Road (Rt. 726)	2003	3,500	
Ridgedale Road (Rt. 710)	2003	710	

VDOT review of this request is still underway.

EMERGENCY SERVICES

Emergency services would be provided by Harrisonburg Volunteer Rescue Squad, located approximately 1.5 miles away, and the Port Republic Road station of Hose Company #4, located across from the site.

The Department of Fire and Rescue states this proposal would have a significant impact on emergency services in this area. The fire station was built to serve a generally residential area with a small amount of business. This proposal would lead to the need for upgrades to the station and apparatus, most notably an aerial apparatus would need to be housed in this station to meet the standards set forth for response to this type of facility. The increased call volume associated with this rezoning and the other growth that would likely result would create the need for additional staffing in this area. Current trends would likely lead to the need for additional paid staff and changes in shift coverage.

Changes in traffic patterns and an increase in traffic in this area as a result of the rezoning would impact the ability of the existing fire and rescue stations in this response area to reach the outer limits of their response districts, thereby resulting in the realignment of response boundaries and the need for an additional station in the area between the Port Republic Road station and the McGaheysville Fire station. Changes in traffic patterns would also necessitate accelerating the current plan to equip emergency vehicles with the Opticom traffic signal preemption system.

SCHOOLS

School Administration states the construction of the hospital would create many major traffic issues in an already congested area.

CONSIDERATIONS

- The Comprehensive Plan designates this area as Community Residential.
- Significant issues related to water and sewer; traffic, roads, and access; and emergency services remain.

STAFF RECOMMENDATION: Table June 1, 2005  
This site has significant issues regarding water and sewer; traffic, roads, and access; and emergency services. Staff recommends tabling this request to allow more time to address these concerns.

PLANNING COMMISSION: Table June 7, 2005  
Concurring with staff recommendation, the Commission tabled the request on a 5-0 vote.

PLANNING COMMISSION: Approval August 2, 2005  
On a 5-0 vote, the Planning Commission recommended approval stating that, since the Commission tabled the request in June, additional and revised proffers have been submitted that address transportation and utility issues.

Mr. Vaughn presented a Power Point presentation which is included with the official minutes. [It is omitted from this copy intentionally].

Chairman Cuevas asked that staff provide information concerning the cost estimated for Harrisonburg's part of the road improvements in order to estimate the probability of completion of the total road improvements the Metropolitan Planning Organization (MPO) has estimated for the 25 to 30 year period. Mr. Vaughn said he will provide that information.

Chairman Cuevas said the Board was having an "artificial" discussion about the amount of money which would be needed to fund road improvements related to relocation of the Hospital to the proposed site since the discussion would concern "today's" dollars and there would be no way to predict how much the State and Federal governments would contribute.

Glenn Hodge, attorney for the applicant, made the following statement. "Rockingham Memorial Hospital is before you this evening with its request that you rezone a tract of land at the intersection of Port Republic Road and Reservoir Street containing approximately 254 acres from A-1 Agriculture to B-1 Business in order that RMH can construct a new hospital. This request comes with a unanimous recommendation for approval by the Planning Commission. When I appeared before the Planning Commission several weeks ago, I stated that in my opinion this decision to rezone will have the biggest impact on Rockingham County, the Towns in the County, the City of Harrisonburg and the citizenry of this area, since zoning was instituted in the County. I stand by that statement. The Board of Directors of RMH, with its decision to build a new hospital, is looking to provide the second hundred years of state of the art health care to this community. Your decision on this request will go a long way in determining the level of health care you, your families, your friends and the community will receive in the coming years. In addition, a new hospital will enhance Rockingham County's reputation as one of the most desirable places to live in the Commonwealth of Virginia - indeed in the United States. A new hospital will also help the County in its efforts to recruit more high tech industry to its Industrial Park now under development. The decision to build a new hospital was made only after lengthy and

detailed study, in consultation with experts in the healthcare field, of the current and anticipated health care needs of the community. Some of the current needs are quite evident - adequate parking and expanded Emergency Room capacity. After the decision to build was made and site selection began, we quickly learned that there were no perfect sites - that is the nature of growth and development in the County and City. The site selection soon narrowed to three sites and with the advice from an engineer who has extensive experience in locating hospital sites and building hospitals, the Port Road site was determined to be the best available. We have engaged in considerable discussion with the County Planning Staff and other members of the County government to address their concerns. We have responded to all inquiries for information received from the County and believe that we have addressed concerns as well as possible at this point. This includes commissioning a traffic study and a study of the sewer system currently serving that part of the County. As a result we have submitted several proffers with this rezoning request which include: extending a water line at the Hospital's cost to serve the new hospital as well as the surrounding area; a commitment by RMH to make expenditures to upgrade or provide new sewer service to the area -there are three alternatives to provide sewer and we will work with the County as to the one that the County considers the preferable one; RMH has agreed to limitations on the uses that can go on the property; RMH has agreed to provide funding to upgrade fire protection services and to provide a significant financial commitment to improve roads and traffic in that area of the County. In addition we have been advised very recently that the County is considering developing an institution overlay classification and we have supplemented our proffer to include an agreement to cooperate with the County as this classification is developed for application to this site when the institutional overlay is finally approved. In reviewing the enabling statute that grants local governments zoning authority, the first factor stated for consideration in zoning decisions is to improve public health. What better way for this Board to demonstrate its commitment to improving public health and the well being of the citizenry, than granting this request so we can continue with building a hospital for the next hundred years. I want to now turn this over to Carter Melton, President and CEO of RMH who will give you a more detailed presentation on why RMH decided to build a new hospital, the planning for the new hospital and how RMH will work with the County to see this project to completion."

Carter Melton, President of Rockingham Memorial Hospital, made the following comments. "Good evening Mr. Chairman and members of the Board. I am Carter Melton, President of Rockingham Memorial Hospital. Thank you for providing this opportunity to meet with the Board of Supervisors to discuss our application for the rezoning of approximately 254 acres on Port Republic Road. This rezoning is essential so that we may proceed with the planning for RMH's Second Century of Service to the community. The rezoning of this property is a key factor in one of the most significant events in our community's recent history, the relocation and replacement of Rockingham Memorial Hospital, the community's hospital.

Allow me to begin with a quick review of the background and events which bring us here this evening. RMH has served this community from its current location since our doors first opened in 1912. Today our Hospital is in the midst of an intolerable squeeze fueled by the escalating demands of a rapidly growing community, rapidly growing service volumes, and the limitations of a landlocked 15 acre campus. Our emergency room is at 150% of capacity....our parking lots and garages contain almost 600 spaces less than needed to support our service volumes and employee needs and many of our departments are bursting at the seams and in need of major relocation and/or expansion. Additionally, we will need this new facility to support new services, such as our planned Open Heart Surgery program. A year of intense planning efforts, beginning in 2002, yielded two solutions: Option #1 to renovate, replace, and expand on our current site and Option #2 to develop a second medical campus for outpatient services and upgrade the current site as an in-patient campus. Option #1 [with] an estimated cost in excess of \$150m would have created chaos on our limited site for 6-7 years and resulted in a marginally workable solution for 10-15 years. Option #2 also had an estimated cost in excess of \$150m and would have added about \$5m to our annual cost of operations and not completely eliminated the impact of chaos at the main site. Both options included significant renovations resulting in sub-optimal return on our investment and both options cost so much money that either would have foreclosed on any practical possibility of ever replacing RMH in the future.

It was painfully obvious that the time had come when we had no choice but to explore the feasibility of replacing our current facility on a site with enough space to allow RMH to grow as the community grows...and position RMH for its Second Century of Service to the community so in August of 2004, after a second year of intense planning and analysis, the RMH Board made the decision to aggressively move out with plans to build the community a new, state-of-the-art hospital on a tract of land adequate to accommodate growth throughout the 21<sup>st</sup> century. Once the Board decided to move forward with plans to build a new hospital, our first priority was to select a site, the major focus of tonight's discussion. To begin this endeavor, we engaged Mr. John Massey to assist us. Mr. Massey is a civil engineer by training, and his Florida-based firm has assisted over 400 hospitals in site identification, analysis, and selection. He is nationally recognized as a preeminent authority in this field. Next, with Mr. Massey's guidance, we developed a list of criteria for a suitable hospital site. Our criteria included:

- "Ample acreage to grow with the community as it grows in the 21<sup>st</sup> Century
- "Good Access (numerous roads leading to and from the site)
- "Adequate infrastructure (water, sewer, and dual electric feeds)



- "Appropriate site geometry for the size and shape of our buildings
- "The right type of neighborhood (non-industrial)
- "Location near the residents who will need our services

"We then began a systematic process to identify, analyze, and choose a site. The steps in that process included:

- "Reviewing the County's Comprehensive Plan
- "Conducting an aerial photographic study of I 81 from the Mauzy exit to the Bridgewater exit
- "Identifying potential sites (either as single parcels or in combinations)

"Through this process we identified three sites that merited further study:

- "The Armentrout site just off the northernmost city exit of I-81
- "The Liskey site at the northwest corner of Smithland Road at I-81
- "The Harman site...2 miles east of I-81 on Port Republic Road...bounded by Port Republic Road, University Blvd., and Boyers Road

"We then acquired options on each site until we could complete a more detailed analysis. As we applied our criteria to the Armentrout site, it had some positive attributes, but fell short on adequate access, adequate utilities, and the surrounding area's planned use. The Liskey site was a long shot, entirely dependent on whether or not we could convince state and federal highway officials to construct an interchange at Smithland Road. When it became evident that an interchange was not a possibility, the Liskey property was eliminated. This left us with the Harman site which is before you tonight for rezoning consideration.

- "Our analysis of the Harman site includes the following positive attributes:
- "It is consistent with the County's Comprehensive Plan and located within an urban growth area
- "It is convenient to a significant number of current and future residents who will need the service

- "It has adequate acreage to sustain the future growth of the Hospital as the community grows
- "The geometry of the site is excellent
- "It has the necessary utilities nearby
- "The topography and beauty of the site support our vision of creating a park-like campus with walking trails and landscaping which will be a source of pride for the surrounding area and community

"Any rezoning for a project of this magnitude offers special challenges both to the municipality and the applicant. We have listened carefully to the County's concerns and suggestions and I believe we have offered a set of proffers which responds to all of the concerns of the County. These include

"The provision of a 12" water main from Shenlake Drive to the intersection of Reservoir and Port Republic with a connector loop to Boyers.

The conduct of a professional study on sewer capacity and a commitment to resolve sewer capacity issues including the construction of a pumping station on the site and the upgrading of piping sections within the City that were identified as 'choke points.'

"The contribution of firefighting equipment.

"An agreement to limit the potential uses of the site while developing a campus/park-like setting with green spaces, buffers, and amenities such as walking trails.

"A commitment to support and participate in the County's desire to explore and develop a special medical overlay zoning classification.

"We are of course mindful of the roadway and traffic issues currently existing in this area of the County and here too, we have offered a significant response. First, we commissioned a traffic study designed to comply with VDOT specifications and conducted by the Baker firm who also is used by the Metropolitan Planning Organization. The study shows the current shortcomings of the existing roadways and intersections. It also interestingly points out that Port Republic Road already carries a substantial amount of Hospital "pass by" traffic. This means that many Hospital employees and patients already use Port Republic Road for access to the Hospital. The study further points out that it is the organic growth of the area, and not the relocation of RMH which will be the main driver of further deterioration of the roadway infrastructure. Our transportation proffers include geometrical improvements (turning lanes, deceleration lanes, intersection improvements including signalization) to Port Republic Road, Reservoir Street, and Boyers Road....with an estimated cost of \$2m; and the contribution of land on which to build

the anticipated Erickson Road-Stone Spring-Rt. 33 connector where it crosses our property and a commitment of \$500,000 towards the cost of construction. In addition to our transportation/roadway proffers, I would like to address several comments to issues which cause us to be optimistic about solving the transportation and roadway issues in a timely manner. First, the recent upgrading of Port Republic Road to primary road status was a very significant milestone, and we are happy that we were able to have some small hand in achieving the County's stated #1 transportation priority. Second, the recent decision of the Metropolitan Planning Organization to prioritize a phased improvement of Port Road from the City limits to Route 276, facilitates initiating this project in feasible stages. Third, the reallocation of \$1.7 in planning and design monies from the loop road to the Port Republic Road and Erickson Road/Stonespring projects is significant, and here too, we were glad to have had a small hand in this success. Fourth, the City's decision to extend its planned improvements of Port Republic Road from Neff Avenue to the City limits, and its recommitment to the Erickson Road/Stone Spring project. And finally, the public acknowledgment on the part of our General Assembly that the State will finally have to face up to the overwhelming need to fund major transportation improvements, and is ready to raise and authorize the funds. Along these lines, I am pleased to bring with me this evening the public commitment of every one of our local legislators, to work with the County and RMH on behalf of our community to find the funding and solutions to the traffic issues we must address. [Mr. Melton read excerpts from letters expressing their approval of the hospital's request from Delegate Mark Obenshain, Delegate Steve Landes, Delegate Emmett Hanger, Delegate Chris Saxman, and General Assembly Candidates Matt Lohr and Lowell Fulk.] We also recognize our responsibility to be a good neighbor to those who live around the Hospital, and to communicate this important decision with persons in every corner of our community. We have held two meetings with our closest potential neighbors....one for the adjacent landowners and one for the residents of Barrington. Both meetings were held in the evening at the Church of the Nazarene. In addition, we have prepared and presented a detailed program to approximately 25 civic clubs and organizations, and have many more presentations scheduled over the next weeks. Furthermore, we have reconfigured our web site to keep the community up-to-date on key milestones and allow a channel for direct electronic conversations with questions and answers. [Mr. Melton read a resolution from the Harrisonburg-Rockingham Chamber of Commerce in support of the new location and rezoning and also read a recent positive editorial of the *Daily News Record*.] Mr. Chairman and members of the Board, if this community is to have a modern, state of the art hospital, Rockingham Memorial needs to move and move soon to a location where it can grow with the community and serve that community for a Second Century of Service. That central location is the property before you for rezoning consideration this evening. This project has a lot of momentum and support. Every state legislator in our area as well as both candidates for office publicly on record to find funding and viable solutions [as well as] the Chamber of Commerce, the local newspaper, and the County Planning Commission which sends to you a unanimous decision in

support of the rezoning. And so, on behalf of the 2000 plus employees, the doctors, and the Board of RMH, and on behalf of every member of the community who will benefit for generations from the new RMH, I ask that you favorably consider our application for rezoning, and that together Rockingham County and Rockingham Memorial Hospital seize the opportunity, capitalize on the momentum and support for this initiative, and go forward together and do great things for our community. Thank you very much for your time, attention, and courtesies this evening. If it pleases the Board, I would like to ask four individuals (Mr. Hodge; Mr. John Massy, our consulting engineer; Mr. Jim Krauss, our COO; and Mr. Dennis Coffman, our Director of Facilities Development) all of whom have been involved in our site matters in great detail, to join me; and we will be happy to answer your questions."

George Pace, member of RMH Board of Directors, reviewed the numbers of patients treated by various departments in the Hospital, including oncology, surgery and the Emergency Room, totaling 49,464 patients for last year. He pointed out that the need for expansion will be even greater in the future due to the increasing population, the increasing number of retirees and other elderly residents, breakthroughs in medical science that will expand lives and put greater pressure on the hospital and the increasing trend in obesity. He asked that the request be approved.

Dr. Lawrence Campbell, Chairman of the RMH Executive Committee, advised that the Executive Committee and the medical staff support the relocation. He noted that it would be an "appropriate use of the land for the community good" and that it would attract new physicians of which the hospital has a shortage and "accommodate the community's growing health care needs." He described the hospital as being "at the limit and bursting at the seams."

Jim Justis, Grottoes Town Council, presented the following resolution from the Town in favor of the rezoning.

"WHEREAS Rockingham Memorial Hospital has provided outstanding Healthcare services to the citizens of the Town of Grottoes for over 90 years; and

"WHEREAS the need for a new Hospital is essential to the preservation of the Healthcare services and quality of life provided to the Town's citizens now and in the future; and

"WHEREAS it will be impossible for Rockingham Memorial Hospital to provide timely, assessable and state of the art Healthcare in the future without relocating its physical facilities; and

"WHEREAS the relocation of Rockingham Memorial Hospital to the intersection of Reservoir Street and Port Republic Road will enhance the Healthcare services and quality of life provided to the citizens of the Town of Grottoes

"NOW, THEREFORE; be it resolved by the Town Council of

the Town of Grottoes, Virginia, to-wit:

- "1. The Town Council believes that the relocation of Rockingham Memorial Hospital is essential to its ability to provide state of the art Healthcare to maintain and improve the quality of life of the Town's and the County's citizens.
- "2. The Town Council favors and supports the relocation of Rockingham Memorial Hospital to the land located at the intersection of Reservoir Street and Port Republic Road.
- "3. The Town Council strongly urges the Rockingham County Board of Supervisors to rezone the land at this location to provide for the relocation of Rockingham Memorial Hospital to this location and the ability to provide state of the art facilities and Healthcare services.

He stated that County citizens are "fortunate and blessed in Rockingham County to have a community hospital rather than a for-profit or private hospital that answers to its stockholders or private owners."

Ed Dorrett, representing Community Alliance for Preservation (C.A.P.), reviewed the background of his organization and advised that the community and its demands on the hospital are "growing rapidly." He pointed out that the hospital could not expand in its present location. He stated that there was not sufficient data for C.A.P. to fully endorse the rezoning but, if the traffic and infrastructure needs were met, C.A.P. would endorse the Hospital's request.

John Cristophel stated that, although the Hospital "does a reasonable job of providing parking [it] is not ideal if compared with UVA parking." He indicated that there was not enough room for the Hospital to grow as needed over the coming years and asked the Board to approve the rezoning.

Dick Myers reminded the Board of the growing need for health care in the County. He pointed out the many ways in which the Hospital has been an asset to the community and stated that "a new hospital would have to be another positive example of the direction of the County's planning.

Ronnie Sours read the following statement. "The following comments are respectfully submitted for Rockingham Memorial Hospital's rezoning request for the Harmon property. (These comments also could have bearing on Associated Developers' rezoning request for a nearby property along Port Republic Road and Stone Spring Road. The comments may be resubmitted at a later date.) Both of these large areas, and much more land, are in the Pleasant Run drainage area. The Pleasant Run drainage area represents a gravity flow route from the Harmon Property to Pleasant Valley. At this point the Pleasant Run drainage route is very close to a sewer line located near the Banta Book Group plant and possibly others. The Pleasant Run gravity drainage continues on to enter North River at a location near the Regional Sewer Authority's Treatment Facility. In the early days of the

Regional Sewer Authority there was a planning map showing a major sewer line along the Pleasant Run gravity drainage route. The following factors indicate that now is the ideal time to consider a sewer line through at least part of the Pleasant Run drainage route: 1. The proposed new hospital at the head of the Pleasant Run drainage area will be a great asset to the citizens of Harrisonburg and Rockingham County. A large amount of sewer capacity will be needed to serve the hospital and also for additional development on and around the 250+ acre site. 2. In addition, the 100+ acre property along Port Republic Road and Stone Spring Road and which is diagonally across from the Harmon property also drains into Pleasant Run. This property is also currently being studied for rezoning. It will involve a large number of sewer hookups. 3. Sewer lines serving the Harmon property currently empty into City of Harrisonburg lines near Albert Long Park and Fieldale Place. The city lines are not adequate for the additional flow. Funds that must be spent upgrading Harrisonburg City sewer lines would better be spent building sewer lines in Rockingham County that will be very valuable to the County in the future. The project could be done in increments. 4. Pleasant Run also drains a very large area that is designated for growth in the Comprehensive Plan for Rockingham County. It drains land designated for growth in the 10, 20 and 50 year plans. 5. Pleasant Run has been identified as being polluted by fecal coliform (some human) likely due to failing septic systems. A sewer line serving the area would help correct this problem. 6. The area where the sewer line could be constructed is not heavily developed at this time. Easements will never be easier to obtain and construction will never be easier or cheaper. 7. This sewer line would also pass through a very large property near Pleasant Valley which is currently owned by Rockingham Memorial Hospital. 8. At the present time there are a number of pump stations in this area, and more will likely need to be built. A gravity system from the proposed hospital site will be cheaper in the long run. The above factors indicate that a cooperative project between Rockingham County and the proposed projects listed above in items 1 and 2 should be possible, mutually beneficial, and would further the goals and intentions of the comprehensive plan. Thank you for your consideration."

Robert Machado said he supported the Hospital and "maybe even the new location." He expressed concern in regard to funding of the transportation facilities in the area - how they would be funded and whether such funding would be available. He asked the Board to "take care of the roads in Port Republic and some of the secondary roads." He pointed out that, if the site was rezoned for the Hospital, surrounding properties would have to be rezoned to accommodate the auxiliary uses that are associated with a hospital.

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At 9:12, Chairman Cuevas declared the public hearing closed and called the regular meeting back or order.

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Supervisor Floyd made the following statement.

"If my recommendation and/or motion tonight had to be for a vote to either approve or turn down the request before us, based on the testimony and information provided to us by the staff, my motion would be to turn it down. However, based on the staff recommendation and knowing the issues that exist there today would be greatly enhanced by the location of the hospital complex (there are 40 permitted uses that could be a part of complex) there are significant issues such as water and sewer, traffic, roads, and emergency services that must be addressed although the hospital has addressed some of these issues, what they have proffered is insignificant in relation to the overall problems and expense that the County could face in the future. In my opinion, the roads and traffic congestion that exists now and would be made much worse in the future, is the number one problem. We have been working on and have achieved the upgrading of Port Road to primary status, and have preliminary approval of the extension of the Stone Spring bypass to 33 East. Although VDOT has put 2.2 million dollars in their 6 year plan the 4th or 5th year, the funding for the completion of these projects are not in any of their future plans. In talking with Senator Hanger last night, he informed me that although there might be as much as 100 million dollars of the budget surplus that could be transferred to the transportation fund, this was only in the "thinking" stage. He said his suggestion would be to spend this money on several major projects in the state, but even then there would be no guarantee that any money would be available for this project. Another major issue is providing sewer to the site. This could be another million and a half dollar expense to the county. In summary, although the hospital has established a need to move from their present location, I feel that the Port Road and Reservoir location presents too many unsolved and unanswered problems at this time to recommend approval or disapproval therefore my motion is to table the request at this time for further study. I sincerely hope that these issues can be settled as soon as possible."

Supervisor Breeden seconded the motion, noting that the Board had heard testimony concerning the "definite need to get moving." He pointed out that there had been a number of concerns expressed about roads and the traffic situation in the area.

Supervisor Ahrend reminded the Board of the testimony that relocation is essential, there is need to expedite the project and there is need to move without delay.

Supervisor Kyger said he understood "the big picture" and noted that he had spent much time asking questions and "doing lots of homework." He indicated that there was no more important decision the Board would ever make that would affect every person in the community for the next 100 years. He indicated that the Board "must move now." He did not agree with delaying a final decision and said he would vote against the motion to table the rezoning request.

Chairman Cuevas said he had spent a considerable amount of time and travel to other areas where there had been similar situations. He described his visit to Winchester Medical Center, a "big operation" that started with a "lot of acreage." He stated that much more development than the hospital, itself, had been added to the area. He pointed out that there would be hospital visitors who would need overnight accommodations, educational facilities, florist and gift shops, so that the Board was not "just talking about 254 acres." He said he would like to see the question resolved in the next 30 days. He noted that, although he represented citizens who were in favor of the rezoning, the Board had to take into account the financial impact on the lives of all the citizens of the County. He said the Board needed to know how much the sewer line and the road improvements would cost, and he noted that others in the area who would be following the hospital with rezoning requests would need to "participate in the costs of completing the whole scenario." He indicated his desire to vote on the matter no later than September 21, 2005. He assured the Board that he was not opposed to the request but was opposed to "rushing to approve it and losing the opportunity to go to Richmond and get some serious commitment from the folks that make these things happen."

The motion carried by a vote of 3 to 2, voting recorded as follows: AHREND - NO; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - NO.

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# **PUBLIC HEARING - REZONING REQUEST.**

At 9:27 p.m., Chairman Cuevas called the meeting back to order and declared it open for a public hearing on the following rezoning request.

RZ05-19 Maple Shade, LLC, 488 Switchboard Road, Harrisonburg, & Shannon Swortzel, 2790 Fort Lynne Road, Harrisonburg, to rezone 72.53 acres from A2 (General Agricultural) to RR-1 (Residential or Recreational) on tax parcel 93 (A) 89 and a portion of 93 (A) 86. The site is located on the east side of Fort Lynne Road (Route 910) and southeast of Cromer Road (Route 765) in Election District #2. The Comprehensive Plan designates this area as Agricultural Reserve. RR-1 allows .4 dwelling unit per acre.

Ms. Henderson reviewed the request.

The staff recommended denial, noting, that "This site lies in the Agricultural Reserve and is located outside of an Urban Growth Area where public water and sewer are not available. This rezoning, which would accelerate the residential development of rural areas, is not consistent with the County's Comprehensive Plan.



The Planning Commission recommended denial by a 4-1 vote. Several members of the Planning Commission stated that the request was located outside an Urban Growth Area, was designated Agricultural Reserve, and was inconsistent with the goals and vision of the Comprehensive Plan.

In a letter dated August 2, 2005 Maple Shade LLC offered the following proffer:

"We proffer that up to only 17 residential lots would be created, instead of the original request for up to 29 lots. In fact it is quite likely that even less lots would be created due to various factors including the number of septic systems that can be approved."

Milton Heatwole, manager of Maple Shade, LLC, said the request was outside the development area but he thought it was "impossible to write a comprehensive plan that dots all the i's and crosses all the t's in every application." He said it did line up with the intent and spirit of the Comprehensive Plan to control growth and preserve good agricultural land. He described the land as not being good for agriculture and noted that modern up-to-date septic systems would be installed.

John Weaver pointed out that the land was mostly made up of rock. He thought it would be better to develop the land as requested than to develop it over a long period of time.

Eli Miller said the land was not suitable for farming and should be developed as requested rather than doing it "piecemeal."

Rick Blackwell described the alternative septic systems that would be used and the way they have been greatly improved over those that have been installed in the past.

Shannon Swartzel said rezoning would be an "opportunity for the County to do the right thing."

Greg Miller said there was a lot of rock on his farm but through fencing and good farming practices, he was able to keep it in agricultural use and run twenty head of cattle on it. He asked the Board to adhere to the Comprehensive Plan and deny the rezoning request.

Timothy Miller read the following statement. "Our names are Timothy Miller and Clare Novak and we reside at 4427 Fort Lynne Road. The rezoning of the parcels in the above noted application from an A-2 Zoning District to an RR-1 Zoning District fails to comply with the intention of the Rockingham County Zoning Ordinance and the Rockingham County Code (Subdivisions). As per the Rockingham County Zoning Ordinance, the proposed RR-1 District is designed for housing development in rural or mountainous regions that are generally unsuitable for intensive agricultural use. We fail to see how this designation is appropriate when the surrounding area maintains a strong intensive agricultural base and nor is it mountainous. The current A-2 zoning is designed to support agricultural uses as well as serving as a buffer between low-density development both residential and farm related and prime agricultural uses.

An approximate 75 acre subdivision with 35 single family homes will not create such a buffer due to the uses created by the physical requirements of residential development or infrastructure (roads, street lighting, storm water management, waste management). In addition, the proposed development may also strain existing County services such as schools, transportation (additional trip generation) and emergency services. In regards to the County's Subdivision Ordinance, will the proposed subdivision comply with the regulations on septic systems? The parcels contain a large amount of exposed bedrock that make it difficult to install and properly operate septic systems. A recent article in the *Washington Post* titled, "An Odorous Matter in Loudoun County: Sewage System Failures Disgust, Anger Residents," by Michael Laris (Sunday, July 17, 2005), discussed the issues that have ensued by the installation of inadequate septic systems in rapidly developed rural areas of the county. Although the article points to faulty installation of the systems as the cause, the problems are all the same when a system fails, whether here or Loudoun County. The Rockingham County Comprehensive Plan also recommends that this area of the County be focused on primarily agricultural uses while other portions of the County are targeted for more intensive residential development. We request that this application for rezoning be denied based on its failure to comply with requirements of the Rockingham County Zoning Ordinance, Subdivision Ordinance and the Comprehensive Plan. We are aware that the County is growing and change is inevitable. Please do not set a precedent and literally "pave the way" for incompatible development that will potentially strain County resources and will also diminish Rockingham County's rural quality of life and its rural view sheds. Thank you for your consideration."

Gary Hess expressed concern about the upkeep of the septic systems. He said, in the past, one of the owners of the property had not responsibly maintained the fence they share and expressed further concern that more subdivision would be requested.

Richard Yoder was opposed to the request. He said it would be against the Comprehensive Plan, outside the Urban Growth Area, not served by public utilities, increase traffic, and the land is not connected to other residential areas.

Bill Burgess was opposed because of the impact it would have on his farming operation.

Ruth Stoltzfus Jost reiterated points made by the previous speakers and requested denial.

William Hawkins, neighboring farmer, asked that it be kept as farmland.

Aiden Wanger, neighboring farmer, asked that it be kept farmland.

Chairman Cuevas closed the public hearing and called the meeting back to order at 10:17 p.m.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled the request.

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**PUBLIC HEARING - SUBDIVISION ORDINANCE.**

At 10:23 p.m., Chairman Cuevas declared the meeting open for a public hearing on OA05-09 an ordinance to amend and re-ordain the Code of the County of Rockingham, Virginia, by amending Chapter 16, Sec. 16-32, Period of validity of approval; approval does not constitute acceptance of plat for recordation. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within two years of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto.

Mr. Vaughn reviewed the staff report on this matter.

Ray Nicely was in agreement with the proposal, noting that it would benefit developers and the County.

There were no speakers in opposition.

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At 10:26 p.m., Chairman Cuevas closed the public hearing and called the regular session back to order.

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On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following ordinance.

AN ORDINANCE to amend and reordain the Code of the County of Rockingham, Virginia, by amending Chapter 16, Sec. 16-32

Period of validity of approval; approval does not constitute acceptance of plat for recordation.

Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within two years of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto.

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**ADJOURNMENT .**

By consensus, the Board adjourned the meeting at 10:26 p.m.

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Chairman